DISTRICT OFFICE: FILE NUMBER:	NEW YORK DISTRICT (C 2001-00128	CENAN)			
Approximate size	New York Saratoga s of site (latitude/longitude): of area (parcel) reviewed, in vaterway: Cooley Kill	cluding v	plands: 159.41 acro		
JURISDICTIONAL DETE Completed:	ERMINATION Desktop determination Site visit(s)	[] [X]	Date: Date(s): August 2	7, 2002	
Jurisdictional De	termination (JD):				
United States"	- Based on available inform and/or "navigable waters of CFR part 331).				
[X] Approved JD Check all that	- An approved JD is an appe apply:	alable ac	tion (Reference 33	CFR part 331).	
	navigable waters of the Unite			CFR part 329 and as	sociated guidance)
	"waters of the United States" rea. Approximate size of jur			328 and associated g	guidance) within the
• •	"isolated, non-navigable, intr ision supported by SWANCC/				
[] The presence of	NAL DETERMINATION: d under 33 CFR part 329 a of waters that are subject to t may be susceptible for use to	he ebb ar	nd flow of the tide	and/or are presently	used, or have been used
[](1) The presen interstate of [](2) The presen [](3) The presen sandflats, we destruction [](ii) with [](iii) fith [](iii) fith [](iii) fith [](ii) fith [](ii) fith [](ii) fith [](ii) fith [](iii) fith [](iii) fith [](iii) fith [](iii) fith [](iiii) fith [](iiii) fith [](iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	d under 33 CFR part 328.3 ce of waters, which are currer foreign commerce, including ce of interstate waters include of other waters such as in retlands, sloughs, prairie poth of which could affect interst hich are or could be used by room which fish or shellfish a which are or could be used from the off waters of the water of a tributary to a water ce of territorial seas.	ently used g all wat ing interstrastate later that the second interstate recommendate commendate interstate record industrated as we identified ther water	I, or were used in the ers which are subjected wetlands. Alkes, rivers, stream meadows, playa laterce including any conforeign traveled to the taken and solial purposes by indicaters of the US. I in (1) - (4) above the US, exception of the	he past, or may be succe to the ebb and flow s (including intermitted less, or natural ponds such waters (check a rs for recreational or d in interstate or fore ustries in interstate control or the succession of the succession o	w of the tide. ent streams), mudflats, , the use, degradation or ill that apply): other purposes. ign commerce. ommerce.
is not itself a navigable wate as the Basis of Jurisdiction, the waterbody is navigable 6) is used as the Basis of	urisdictional Determination r of the United States, describ document navigability and/or und/or how the destruction of Jurisdiction, document the r ationale used to make adjace.	e connect interstat the wate ationale i	ion(s) to the downst e commerce connect rbody could affect i used to make the a	tream navigable water tion (i.e., discuss site c nterstate or foreign co	s. If B(1) or B(3) is used conditions, including why ommerce). If B(2, 4, 5 or
[X] Ordinary High	F Jurisdiction: (Reference: 3 n Water Mark indicated by: al line impressed on the bank	•	[] High Tide Lin		5

	[X] changes in the character of soil [X] destruction of terrestrial vegetation []]	Fine shell or debris deposits (foreshore) [] physical markings/characteristics idal gages other:
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; []	vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland of Environmental Design Partnership, LLP	delineation map and/or in a delineation report prepared by
	rice growing. [] Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water f [] Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless an	s of 33 CFR part 328.3(a)(3). e following waters present on the site are not Waters of lagoons, pursuant to 33 CFR part 328.3. nd if the irrigation ceased. r diking dry land to collect and purposes as stock watering, irrigation, settling basins, or ornamental bodies of water created or primarily aesthetic reasons. to construction activity and pits excavated in dry land for d until the construction or excavation operation is definition of waters of the United States found at 33 CFR excommerce.
	[] Non-tidal drainage or irrigation ditches excavated on a [] Other (explain):	dry land. Explain rationale:
DATA 1	REVIEWED FOR JURISDICTIONAL DETERMINATION [X] Maps, plans, plots or plat submitted by or on behalf of the age of the submitted by an on behalf of the age of the submitted by an on behalf of the age of the submitted by an on behalf of the age of the submitted by an on behalf of the age of the submitted by an on behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by the consumers of the submitted by the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by an one behalf of the age of the submitted by or on behalf of the age of the age of the submitted by or on behalf of the age of the age of the submitted by or on behalf of the age of the age of the submitted by or on behalf of the age of t	he applicant. plicant. , prepared by (company): t, dated , prepared by (company):
lase a		1113 11 4 6 W. 4 10 11 1/97M

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2002-01106

PROJECT LOCATION INFORMATION:

State: New York County: Kings

Center coordinates of site (latitude/longitude): lat:40-40-45.1200 lon:74-1-9.1200

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: New York Harbor
Name of watershed: NEW YORK HARBOR

JURISDICTIONAL DETERMINATION

Completed:Desktop determination[X]Date:September 6, 2002Site visit(s)[X]Date(s):September 6, 2002

Jurisdictional Determination (JD):

[X] Preliminary JD - Based on available information, [] there appear to be (or) []	there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site.	A preliminary JD is not appealable
(Reference 33 CFR part 331).	

[] Approved JD - An approved	JD is an	appealable	action	(Reference	33 CFF	part	331).
Check all that apply:							

[] There are "navigable wate	rs of the United States"	(as defined by 33	CFR part	329 and associat	ted guidance)
within the reviewed area.	Approximate size of ju	risdictional area:			

- [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lateral Extent of Jurisdiction: (Reference: 33 CFR p [] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	parts 328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [X] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for some rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain with the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to interest the purpose of other states of the purpose of other states are states of the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to interest and the properties of the purpose of t	basis of 33 CFR part 328.3(a)(3). hat the following waters present on the site are not Waters of onds or lagoons, pursuant to 33 CFR part 328.3. Deplay the irrigation ceased. and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created atter for primarily aesthetic reasons. dental to construction activity and pits excavated in dry land for esse and until the construction or excavation operation is at the definition of waters of the United States found at 33 CFR restate commerce. Natural Resources Conservation Service. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERMINAT [X] Maps, plans, plots or plat submitted by or on behalf [] Data sheets prepared/submitted by or on behalf of th [] This office concurs with the delineation report, of [] This office does not concur with the delineation [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic m [] U.S. Geological Survey 7.5 Minute Historic quadran [] U.S. Geological Survey 15 Minute Historic quadran [] U.S. Autural Resources Conservation Service Soil [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [X] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):	f of the applicant. ne applicant. lated , prepared by (company): report, dated , prepared by (company): aps: aps: apse: gles:

Revised 8/13/04

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: FILE NUMBER:	NEW YORK DISTRICT 2003-00647	(CENAN)	
Approximate siz	New York Suffolk tes of site (latitude/longitude ze of area (parcel) reviewed, t waterway: Northport Bay	including	52-59.9880 lon:73-22-0.0120 uplands: acres.
JURISDICTIONAL DET			
Completed:	Desktop determination Site visit(s)	[X] []	Date: June 24, 2003 Date(s):
Jurisdictional I	Determination (JD):		
United State			[] there appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable
[] Approved JE Check all the		ealable ac	ction (Reference 33 CFR part 331).
	re "navigable waters of the U e reviewed area. Approxima		es" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area: N/A
	"waters of the United States area. Approximate size of j		ned by 33 CFR part 328 and associated guidance) within the hal area:
			aters or wetlands" within the reviewed area. y Bird Rule Information Sheet for Determination of No Jurisdiction
A. Waters defin [X] The present	ce of waters that are subject	as "navi) to the ebb	gable waters of the United States": and flow of the tide and/or are presently used, or have been used out interstate or foreign commerce.
[](1) The pres interstate [](2) The pres [](3) The pres sandflats, destructic	ence of waters, which are cu or foreign commerce, includence of interstate waters includence of other waters such as wetlands, sloughs, prairie poor of which could affect inter-	rrently use ling all wa uding inte intrastate otholes, we rstate com	waters of the United States": 2d, or were used in the past, or may be susceptible to use in a ters which are subject to the ebb and flow of the tide. 18 rstate wetlands. 18 lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation of merce including any such waters (check all that apply): 18 te or foreign travelers for recreational or other purposes.

[] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictionalwater or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why

the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US.

Jurisdiction, document the rationale used to make adjacency determination:

[] (6) The presence of territorial seas.

[] (5) The presence of a tributary to a water identified in (1) - (4) above.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
		[] other:
	[] shelving	[] other:
	[] other:	
	[] Mean High Water Mark indicated by:	
	[X] survey to available datum; [] physical marking	rs: [] vegetation lines/changes in vegetation types
	[M] survey to available datum, [] physical marking	55, [] vegetation lines changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	Unable to confirm the presence of waters in 33 CFF	R part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	
		hat the following waters present on the site are not Waters of
	the United States:	nat the tenering waters present on the site are not waters of
	[] Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CER part 328 3
	Artificially irrigated areas, which would revert to	
	Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
		such purposes as stock watering, irrigation, setting basins, or
	rice growing.	amall amamantal hadian of water areated
	[] Artificial reflecting or swimming pools or other	
	by excavating and/or diking dry land to retain w	
		dental to construction activity and pits excavated in dry land for
		ess and until the construction or excavation operation is
		s the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to inte	
	[] Prior converted cropland, as determined by the !	Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale:
	[] Other (explain):	,
n.m. n	CATEMED FOR HUDIODICTIONAL DETERMINATION	DION (
	EVIEWED FOR JURISDICTIONAL DETERMINAT	
	[X] Maps, plans, plots or plat submitted by or on behalf	
	[] Data sheets prepared/submitted by or on behalf of the	
	[] This office concurs with the delineation report, of	
	[] This office does not concur with the delineation	report, dated , prepared by (company):
	Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic m	
	[] U.S. Geological Survey 7.5 Minute Historic quadrant	ngles:
	[] U.S. Geological Survey 15 Minute Historic quadran	gles:
	[] USDA Natural Resources Conservation Service Soil	Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE:

FILE NUMBER: 2004-00157

PROJECT LOCATION INFORMATION:

New York State: County: Orange

Center coordinates of site (latitude/longitude): lat:41-29-53.6640 lon:74-4-21.7560 Approximate size of area (parcel) reviewed, including uplands: 40.813 acres. Name of nearest waterway: Unnamed Tributary to Quassaic Creek
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date:

ĪΧΊ Date(s): May 6, 2004 Site visit(s)

Jurisdictional Determination (JD):

[] Preliminary JD - Based on available information, [] there appear to be (or) []	there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project sit	 e. A preliminary JD is not appealable
(Reference 33 CFR part 331).	

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
 - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
 - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include an intermittent stream which is an unnamed tributary to Quassaic Creek, which flows into the Hudson River, which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	other:
		[j otner:
	[] other:	
	[] Mean High Water Mark indicated by:	
		gs; [] vegetation lines/changes in vegetation types.
	(V) Without boundaries as shown as the steeled was	dand dalianasian man and/anim a dalianasian manan danum
	[A] Wettand boundaries, as shown on the attached wer	tland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CF	'R part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	ne basis of 33 CFR part 328.3(a)(3).
		that the following waters present on the site are not Waters of
	the United States:	3 1
	[] Waste treatment systems, including treatment p	onds or Jagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert	
	Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
		such purposes as stock watering, irrigation, setting dashis, or
	rice growing.	11
	[] Artificial reflecting or swimming pools or other	
	by excavating and/or diking dry land to retain v	
		idental to construction activity and pits excavated in dry land for
		less and until the construction or excavation operation is
		ts the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[X] Isolated, intrastate wetland with no nexus to in	terstate commerce.
	[] Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:
	[] Other (explain):	
DATA	REVIEWED FOR JURISDICTIONAL DETERMINA	TION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on beha-	alf of the applicant.
	[X] Data sheets prepared/submitted by or on behalf of	the applicant.
	[] This office concurs with the delineation report,	dated , prepared by (company):
	[] This office does not concur with the delineation	
	Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic r	mans: Cornwall NY
	U.S. Geological Survey 7.5 Minute Popographic 7	
	U.S. Geological Survey 15 Minute Historic quadra	
	[X] USDA Natural Resources Conservation Service So	
		on survey. Orange County, NT
	[X] National wetlands inventory maps: Cornwall, NY	N/
	[X] State/Local wetland inventory maps: Cornwall, N	Y
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: May 6, 200	94
	[] Applicable/supporting case law:	
	Other information (please specify):	
[337 - 41 - · ·	4	air artablish adin the Come Wetland Delineation Manual (07 Manua

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2004-00230

PROJECT LOCATION INFORMATION:

State: New York County: Columbia

Center coordinates of site (latitude/longitude): lat:42-11-31.2720 lon:73-29-33.0720 Approximate size of area (parcel) reviewed, including uplands: 209.6 acres.

Name of nearest waterway: Unnamed Tributary

Name of watershed: Hudson River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination [] Date:

Site visit(s) [X] Date: August 10, 2004

Jurisdictional Determination (JD):

[] Preliminary JD -	Based on available in	formation, [] there	appear to be (or) []	there appear to be i	o "waters of the
United States" ar	nd/or "navigable water	s of the United State	es" on the project site	e. A preliminary JD	is not appealable
(Reference 33 Cl	FR part 331).				

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
- [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 13.5 acres.
- [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

 [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- $[\]$ (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictionalwater or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands have a direct surface connection to the stream on the site. The stream is a tributary to the Roeliff Jansen Kill, which is navigable and tidal at its mouth. The Roeliff Jansen Kill discharges into the Hudson River, which is also a tidal, navigable waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR p [X] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [X] destruction of terrestrial vegetation [] shelving [] other:	arts 328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [X] physical markings/characteristics [] tidal gages [] other:
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetlan P.C.	nd delineation map prepared by: Clark Engineering & Surveying,
DATA F	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR [] Headquarters declined to approve jurisdiction on the [X] The Corps has made a case-specific determination to the United States: [] Waste treatment systems, including treatment pon [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating a retain water and which are used exclusively for some rice growing. [] Artificial reflecting or swimming pools or other some by excavating and/or diking dry land to retain water and water and the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meets 328.3(a). [X] Isolated, intrastate wetland with no nexus to inter	basis of 33 CFR part 328.3(a)(3). hat the following waters present on the site are not Waters of adds or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. and/or diking dry land to collect and uch purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created atter for primarily aesthetic reasons. ental to construction activity and pits excavated in dry land for ss and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR artstate commerce. atural Resources Conservation Service. Explain rationale: 100 (mark all that apply): 101 of the applicant. 102 eapplicant. 103 definition of waters of the United States found at 33 CFR applicant. 105 of the applicant. 106 of the applicant. 107 of the applicant. 108 of the applicant. 109 of th
	[X] Site visit/determination conducted on: August 10, 2 [] Applicable/supporting case law: [] Other information (please specify):	004

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: FILE NUMBER:	NEW YORK DISTRICT 2004-00403	(CENAN)	
PROJECT LOCATION	INFORMATION:		
State:	New York		
County:	Richmond		
Center coordin	ates of site (latitude/longitude)): lat:40-	34-22.0080 lon:74-12-24.0120
Approximate si	ze of area (parcel) reviewed,	including	uplands:
	st waterway: Fresh Kills		
Name of water	shed: ARTHUR KILL		
JURISDICTIONAL DE	TERMINATION		
Completed:	Desktop determination	[X]	Date: April 19, 2004
•	Site visit(s)	[]	Date(s):
Jurisdictional	Determination (JD):		
United Stat			[] there appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable
[] Approved J Check all th		ealable a	ction (Reference 33 CFR part 331).
	e "navigable waters of the Un ne reviewed area. Approxima		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
	e "waters of the United States I area. Approximate size of j		ned by 33 CFR part 328 and associated guidance) within the nal area:
			aters or wetlands" within the reviewed area. ry Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISDICT	IONAL DETERMINATION	:	
			gable waters of the United States":
[X] The presen	ce of waters that are subject t	o the ebb	and flow of the tide and/or are presently used, or have been used ort interstate or foreign commerce.
B. Waters defi	ined under 33 CFR part 328	.3(a) as '	waters of the United States":
[](1) The pre	sence of waters, which are cur	rrently us	ed, or were used in the past, or may be susceptible to use in
interstate	e or foreign commerce, includ	ing all w	aters which are subject to the ebb and flow of the tide.
	sence of interstate waters incl		
			lakes, rivers, streams (including intermittent streams), mudflats,
sandflats	s, wetlands, sloughs, prairie po	tholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
			imerce including any such waters (check all that apply):
			ate or foreign travelers for recreational or other purposes.
			ould be taken and sold in interstate or foreign commerce.
			strial purposes by industries in interstate commerce.
	iments of waters otherwise de sence of a tributary to a water		
[](3) The pre	sence of a filoutary to a water	identifie	a m (1) - (4) 2007C.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictionalwater or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

[] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (6) The presence of territorial seas.

Later	al Extent of Jurisdiction: (Reference: 33 CFR p	parts 328 and 329)
[] Or	dinary High Water Mark indicated by:	[] High Tide Line indicated by:
[]	clear, natural line impressed on the bank	[] oil or scum line along shore objects
Ĩ Ì	the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	changes in the character of soil	[] physical markings/characteristics
	destruction of terrestrial vegetation	[] tidal gages
	shelving	[] other:
	other:	[] 0
LI	oner.	
	fean High Water Mark indicated by:	
[]	survey to available datum; [] physical markings	; [] vegetation lines/changes in vegetation types.
[] W	etland boundaries, as shown on the attached wetlan	nd delineation map and/or in a delineation report prepared by:
Basis	For Not Asserting Jurisdiction:	
	ne reviewed area consists entirely of uplands.	
	hable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7).
	adquarters declined to approve jurisdiction on the	
		at the following waters present on the site are not Waters of
	e United States:	at the following waters present on the site are not waters or
	Waste treatment systems, including treatment por	nds or lagoons, nursuant to 33 CFR part 328 3
	Artificially irrigated areas, which would revert to	
	Artificial lakes and ponds created by excavating	
٤ ١		uch purposes as stock watering, irrigation, settling basins, or
	rice growing.	den purposes as stock watering, migation, setting dashis, or
rı	Artificial reflecting or swimming pools or other s	small armamental hadias of water areated
f 1		
rı	by excavating and/or diking dry land to retain wa	
{ J		ental to construction activity and pits excavated in dry land for
		ess and until the construction or excavation operation is
		the definition of waters of the United States found at 33 CFR
	328.3(a).	
	Isolated, intrastate wetland with no nexus to inter	
1.1	errior converted cropiand, as determined by the N	atural Resources Conservation Service. Explain rationale:
[1	Non-tidal drainage or irrigation ditches excavated	l on dry land. Explain rationale:
[]	Other (explain):	
DATA REVIE	WED FOR JURISDICTIONAL DETERMINAT	ION (mark all that apply):
	daps, plans, plots or plat submitted by or on behalt	
	ata sheets prepared/submitted by or on behalf of th	
	This office concurs with the delineation report, d	
	This office does not concur with the delineation	
	ata sheets prepared by the Corps.	71 4 3 3 1 37
	orps' navigable waters' studies:	
	S. Geological Survey Hydrologic Atlas:	
	J.S. Geological Survey 7.5 Minute Topographic ma	ans:
	S. Geological Survey 7.5 Minute Historic quadran	
	S. Geological Survey 15 Minute Historic quadrang	
	SDA Natural Resources Conservation Service Soil	
	ational wetlands inventory maps:	ourrey.
	ate/Local wetland inventory maps:	
	EMA/FIRM maps (Map Name & Date):	
	0-year Floodplain Elevation is: (NGVD)	•
	erial Photographs (Name & Date):	
	ther photographs (Date):	
	dvanced Identification Wetland maps:	
	te visit/determination conducted on:	
	pplicable/supporting case law:	
[] Ot	ther information (please specify):	

JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

DISTRICT OFFICE: FILE NUMBER:	NEW YORK DISTRICT (2004-00549	CENAN)			
PROJECT LOCATION INFORMATION: State: New York County: Richmond Center coordinates of site (latitude/longitude): lat:40-32-38.0040 lon:74-13-14.0160 Approximate size of area (parcel) reviewed, including uplands: 0.12 acres. Name of nearest waterway: Sandy Brook Name of watershed: ARTHUR KILL					
JURISDICTIONAL DETI Completed:	ERMINATION Desktop determination Site visit(s)	[X]	Date: May 27, 2004 Date(s):		
Jurisdictional De	etermination (JD):				
[X] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
[] Approved JD Check all that		ealable act	ion (Reference 33 CFR part 331).		
[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
			ers or wetlands" within the reviewed area. Bird Rule Information Sheet for Determination of No Jurisdiction.		
A. Waters define [] The presence	of waters that are subject to	as "navig	able waters of the United States": Ind flow of the tide and/or are presently used, or have been used the interstate or foreign commerce.		
A. Waters define [] The presence in the past, or B. Waters define [] (1) The preser interstate o [] (2) The preser [] (3) The preser sandflats, we destruction [] (i) we [] (ii) f [] (iii) [] (4) Impoundm [X] (5) The preser [] (6) The preser	ed under 33 CFR part 329 of waters that are subject to may be susceptible for use and under 33 CFR part 328. The of waters, which are cur foreign commerce, includince of interstate waters includince of other waters such as invetlands, sloughs, prairie por of which could affect intershich are or could be used befrom which fish or shellfish which are or could be used unter of waters otherwise deit ence of a tributary to a water of the could be used to the could be used	as "navig the ebb and to transport of the ebb and to transport of the end of the end of the ebb and to transport of the ebb and to transport of the ebb and to transport of the ebb and th	able waters of the United States": Independent of the tide and/or are presently used, or have been used to interstate or foreign commerce. In acters of the United States": In or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. It is takes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): The or foreign travelers for recreational or other purposes. It is all purposes by industries in interstate commerce. It is a purpose of the US.		
A. Waters define [] The presence in the past, or B. Waters define [] (1) The preser interstate o [] (2) The preser [] (3) The preser sandflats, v destruction [] (i) v [] (ii) f [] (iii) [] (4) Impoundm [X] (5) The preser [] (6) The preser [] (7) The preser [] (7) The presence of the Basis of J is not itself a navigable water as the Basis of Jurisdiction the waterbody is navigable 6) is used as the Basis of	ed under 33 CFR part 329 of waters that are subject to may be susceptible for use and under 33 CFR part 328. The content of waters, which are cur or foreign commerce, including the content of the waters such as it wetlands, sloughs, prairie por of which could affect intershich are or could be used by from which fish or shellfish which are or could be used the content of waters otherwise detents of entitle water of a tributary to a water of territorial seas, ce of wetlands adjacent ² to content of the United States, described and/or how the destruction of Jurisdiction, document the	as "navig the ebb and to transpo" 3(a) as "verently used ing all wat ding interintrastate letholes, wet state comm y interstate are or countries of for industrifined as were identified to the water of the water of the water are for interstate of the water rationale.	able waters of the United States": dd flow of the tide and/or are presently used, or have been used tinterstate or foreign commerce. vaters of the United States": le, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. vatet wetlands¹. values, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or there including any such waters (check all that apply): ver or foreign travelers for recreational or other purposes. Id be taken and sold in interstate or foreign commerce. values of the US. I in (1) - (4) above.		

	[] clear, natural line impressed on the bank [] oil or seum line along shore objects
	[] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[] changes in the character of soil [] physical markings/characteristics
	[] destruction of terrestrial vegetation [] tidal gages
	[] shelving [] other:
	[] other: Applicant's drawings & photographs
	[] Mean High Water Mark indicated by:
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:
	[] The reviewed area consists entirely of uplands.
	[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	[] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[] Isolated, intrastate wetland with no nexus to interstate commerce.
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	[] Other (explain): N/A
DATA B	EVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	[] This office concurs with the delineation report, dated , prepared by (company):
	[] This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
	Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps:
	[] U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
	State/Local wetland inventory maps:
	[] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD)
	[] Aerial Photographs (Name & Date):
	[X] Other photographs (Date): [] Advanced Identification Wetland maps:
	[] Site visit/determination conducted on:
	[] Applicable/supporting case law:
	[] Other information (please specify):
1	The state of the s

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^2}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.